



CITY OF HOBART

# **SUPPORTING INFORMATION**

**CITY PLANNING COMMITTEE MEETING**

**OPEN PORTION OF THE MEETING**

**MONDAY, 14 JANUARY 2019**

**AT 5:00 PM**

**VENUE: LADY OSBORNE ROOM, TOWN HALL**

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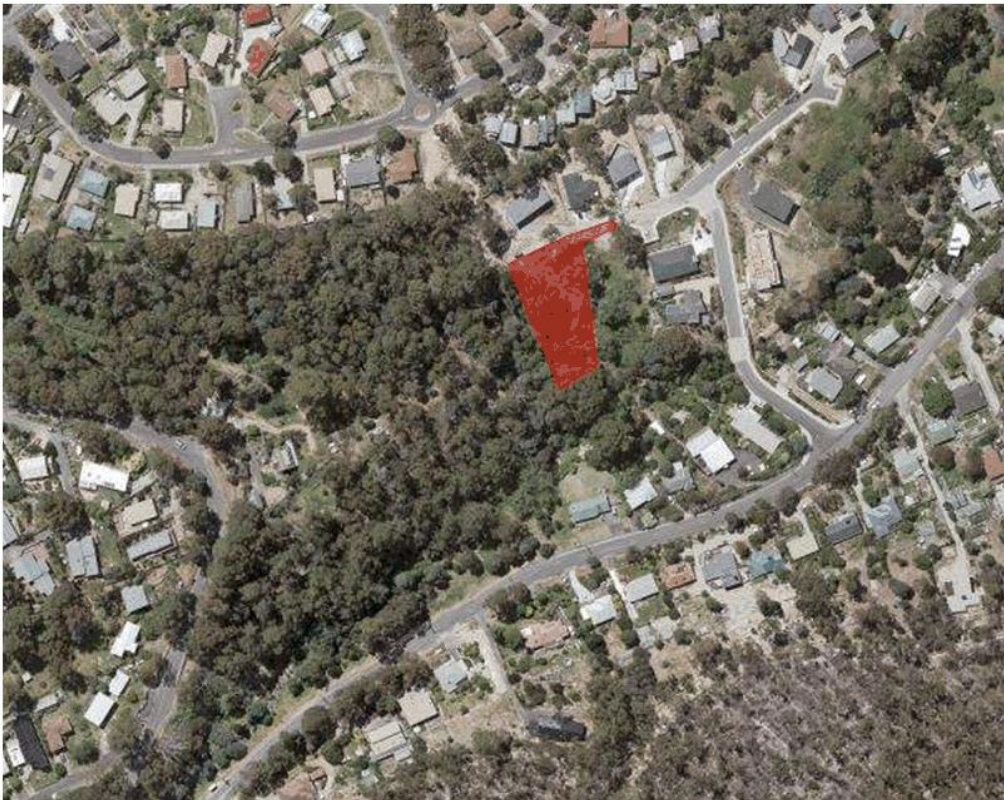
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# **Bushfire Attack Level Report and Hazard Management Plan – 3 Erindale Place, South Hobart**



Prepared by:

Michael Westcott  
Accredited Bushfire Practitioner BFP 131  
Date 18.3.2018

*583 Nelson Rd, Mt Nelson 7007 m 0407 796 978 e [mike@hbas.com.au](mailto:mike@hbas.com.au)*

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**Attachment 1: Bushfire Hazard Management Plan****Disclaimer:**

AS 3959-2009 cannot guarantee that a dwelling will survive a bushfire attack, however the implementation of the measures contained within AS 3959-2009, this report and accompanying plan will improve the likelihood of survival of the structure. This report and accompanying plan are based on the conditions prevailing at the time of assessment. No responsibility can be accepted to actions by the land owner, governmental or other agencies or other persons that compromise the effectiveness of this plan. The contents of this plan are based on the requirements of the legislation prevailing at the time of report.



## 1. Summary:

This Bushfire Risk Assessment has been prepared to support the design and construction of a new dwelling at 3 Erindale Place, South Hobart. The site has been deemed to be bushfire prone due to its proximity to the area of bushfire prone vegetation on, as well as to the north and north east of the property.

This report has been prepared in conjunction with the design plans provided by the designer and this report must be read in conjunction with the specifications contained in those plans.

This report identifies the protective features and controls that must be incorporated into the construction works to ensure compliance with the standards. Fire management solutions are as defined in AS 3959-2009 Construction of Buildings in Bushfire Prone Areas, National Construction Code (Volume 2), E 1.0 Bushfire-Prone Areas Code and the Tasmania Fire Service publication Guidelines for Development in Bushfire Prone Areas 2005.

Provided construction standards for BAL 29 of AS 3959-2009 are incorporated into the new building works and the provision of the minimum defendable space specified in Table 1 and the Bushfire Hazard Management Plan being provided, the new building works are capable of compliance with the provisions of AS 3959-2009 and as a result, the bushfire risk is reduced.

Access to the site and water supply for fire fighting must comply with the requirements of Table 4.2 and Table 4.3A of the Directors Determination – Requirements for Building in Bushfire Prone Areas Version 2.1 dated 29 August 2017.

The effectiveness of the measures and recommendations detailed in this report and AS 3959-2009 are dependent on their implementation and maintenance for the life of the development or until the site characteristics that this assessment has been measured from alter from those identified. No liability can be accepted for actions by lot owners, Council or governmental agencies which compromise the effectiveness of this report.

This report has been prepared by Michael Westcott, Managing Director of Hobart Building Assessment Services. Michael is a building consultant in Tasmania and is accredited by the Tasmania Fire Service to prepare bushfire hazard management plans.

Site survey was carried out on 1<sup>st</sup> October 2017.



**2. Location:**

|                   |                                   |
|-------------------|-----------------------------------|
| Property Address: | 3 Erindale Place, South Hobart    |
| Owner:            | Elizabeth Sweetnam & Bryan Murphy |
| Title Reference:  | 161337/4                          |
| PID No:           | 3099843                           |
| Municipality:     | Hobart                            |

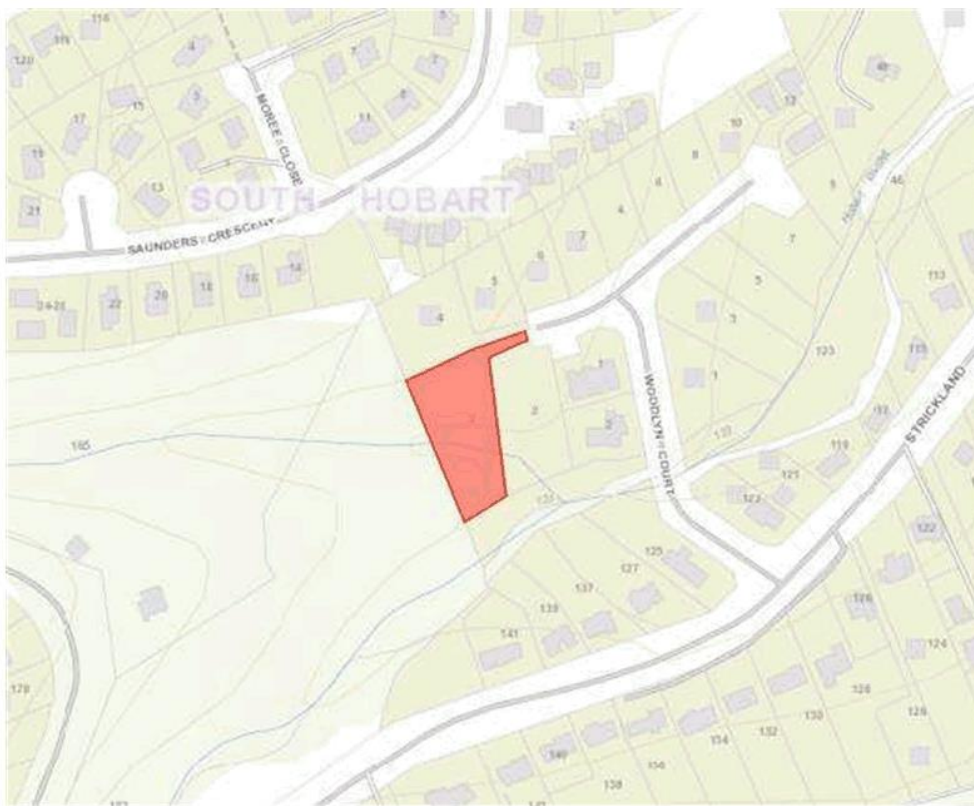


Figure 1: Site Location (Source The LIST)



### 3. Site Description

The property is situated at the end of Erindale Place, approximately 40 metres from the junction of Woodlyn Crescent and Erindale Place. The topography falls to the east at 6°. At the time of the assessment, vegetation to the west and south out to 100 metres from the proposed dwelling consisted of native eucalypt forest, however land to the north and east is considered managed.

There is a fire hydrant located on Erindale Place, within 120m of all sides of the proposed dwelling.

Planning controls are administered by Hobart City Council under the City of Hobart *Interim Planning Scheme 2016*. The site is zoned *General Residential*.



Figure 2: Site Plan



#### 4. Proposed Development:

A new dwelling is proposed for the site. Access to the dwelling is directly off Erindale Place.

#### Bushfire Attack Level (BAL) Assessment:

##### 5. Bushfire Assessment:

**Fire Danger Index (FDI):** The fire Index Rating for Tasmania is adopted as 50.

##### Vegetation Classification:

The predominant vegetation has been determined follows;

|                            |                          |
|----------------------------|--------------------------|
| North of development site: | Managed Land             |
| East of development site:  | Managed Land             |
| South of development site: | Classification A: Forest |
| West of development site:  | Classification A: Forest |

##### Gradient under predominant vegetation:

|         |              |
|---------|--------------|
| North : | Upslope      |
| East:   | Downslope 6° |
| South:  | Upslope      |
| West:   | Upslope      |

##### Distance to predominant vegetation:

|        |            |
|--------|------------|
| North: | N/A        |
| East:  | N/A        |
| South: | >16 metres |
| West:  | 16 metres  |

NOTE: Vegetation within the 100 metre assessment area to the south and west is unmanaged native trees and shrubs and has been assessed as **Classification A: Forest**.

Vegetation within the 100 metre assessment area to the north and east is managed residential land.



Predominant vegetation to the north – Managed Land



Predominant vegetation to the east – Managed Land

*583 Nelson Rd, Mt Nelson 7007 m 0407 796 978 e [mike@hbas.com.au](mailto:mike@hbas.com.au)*





Predominant vegetation to the south – Classification A: Forest



Predominant vegetation to the west – Classification A: Forest

**Bushfire Attack Level (BAL):**

Based on the predominant vegetation detailed above, and the separation distance EXISTING between the predominant vegetation and the development, the BAL for each elevation of the proposed dwelling has been assessed as follows:

|                  |        |
|------------------|--------|
| North elevation: | BAL FZ |
| East elevation:  | BAL FZ |
| South elevation: | BAL FZ |
| West elevation:  | BAL FZ |

Table 1. Details the hazard management areas required to comply with that BAL, and the area available for compliance:

|                                  | North                                 | East                                  | South  | West  |
|----------------------------------|---------------------------------------|---------------------------------------|--|---|
| <b>BAL</b>                       | BAL- 29                               | BAL- 29                               | BAL- 29  | BAL- 29   |
| <b>Vegetation Type</b>           | Managed Land                          | G(i) Grassland                        | A: Forest  | A: Forest   |
| <b>Slope</b>                     | Downslope 6.7°                        | Downslope 6°                          | Upslope  | Upslope   |
| Hazard Management Area Required  | N/A                                   | N/A                                   | 16-<23 metres  | 16-<23 metres   |
| Hazard Management Area Available | Area cleared and managed to boundary. | Area cleared and managed to boundary. | Area cleared and managed to 16 metres minimum from face of dwelling. | Area cleared and managed to 16 metres minimum from face of dwelling.  |
|                                  |                                       |                                       |  | Part 5 Agreement to be entered into with HCC to enable additional required 8 metre separation distance from boundary. |

Table 1: BAL Assessment and Hazard Management Area Requirements



## 6. Compliance:

All building works shall comply with the specifications for BAL 29 under Section 7 of AS 3959-2009.

### Maintenance Requirements: Hazard Management Areas

|  | NORTH   | EAST  | SOUTH   | SWEST   |
|--|---|---|---|---|
| <b>Hazard management area required</b> | N/A   | N/A   | Minimum of 16 metres from face of building                            | Minimum of 16 metres from face of building                            |
| <b>Management requirements</b>         | To the requirements of the Bushfire Hazard Management Plan (attached) | To the requirements of the Bushfire Hazard Management Plan (attached) | To the requirements of the Bushfire Hazard Management Plan (attached) | To the requirements of the Bushfire Hazard Management Plan (attached) |

Table 2. Maintenance requirements for Hazard Management Areas

Provided the management practices as described above are implemented, they will achieve the required hazard management areas. The continuation of these practices are sufficient to comply with this assessment. Any alteration to the current management practices or vegetation surrounding the site, within the prescribed management areas must comply with the following:

- Establishing non-flammable areas around the dwelling such as paths, patios, driveways, lawns, etc.
- Locating dams, orchards, vegetable gardens, effluent disposal areas, etc on the bushfire prone side of the building.
- Providing heat shields and ember traps on the bushfire prone side of the dwelling such as non flammable fencing, hedges, separated garden shrubs and small trees. Avoid the use of highly flammable plants.
- Ensure flammable materials such as wood piles, fuels and rubbish heaps are stored away from the dwelling.
- Replace highly flammable plants with low flammability species.
- Provide horizontal separation between tree crowns and vertical separation between ground fuels and overhead branches.
- Provide separation between significant trees such that groups are no greater than 20 metres in width and more than 20 metres from other groups of significant trees. Note that retention of some trees can screen a dwelling from windborne embers.
- Regular slashing or mowing of grass to a height of less than 100mm.





- Removal of ground fuels such as leaves, bark, fallen branches etc on a regular basis.
- Ensuring no trees overhang the dwelling so that vegetation falls onto the roof.

**Compliance with the Directors Determination Version 2.1 – Requirements for Building in Bushfire Prone Areas is achieved through implementation of the following:**

- **Table 4.2 Vehicular access:**

- The following design and construction requirements apply to property access:
  - (a) All-weather construction;
  - (b) Load capacity of at least 20 tonnes, including for bridges and culverts;
  - (c) Minimum carriageway width of 4 metres;
  - (d) Minimum vertical clearance of 4 metres;
  - (e) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;
  - (f) Cross falls of less than 3° (1:20 or 5%);
  - (g) Dips less than 7° (1:8 or 12.5%) entry and exit angle;
  - (h) Curves with a minimum inner radius of 10 metres;
  - (i) Maximum gradient of 15° (1:3.5 or 28%) for sealed roads, and 10° (1:5.5 or 18%) for unsealed roads; and
  - (j) Terminate with a turning area for fire appliances provided by one of the following:
    - (i) A turning circle with a minimum outer radius of 10 metres;
    - (ii) A property access encircling the building; or
    - (iii) A hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.
- As the private access road services 3 or more properties, Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 100 metres.

**The above requirements are not applicable to this property.**

- **Table 4.3A Water supply:**

- **A. Distance between building area to be protected and water supply:**

- The following requirements apply:
  - (a) The building area to be protected must be located within 120 metres of a fire hydrant; and
  - (b) The distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.
  - (b) No closer than six metres from the building area to be protected; (c) With a minimum width of three metres constructed to the same standard as the carriageway; and
  - (d) Connected to the property access by a carriageway equivalent to the standard of the property access.





- **7. Conclusions & Recommendations**

This Bushfire Risk Assessment and Bushfire Hazard Management Plan have been prepared support design and construction of a new dwelling at 3 Erindale Place, South Hobart. The report has reviewed the bushfire risks associated with the site and determined the fire management strategies that must be carried out to ensure the development on the site is at reduced risk from bushfire attack. Provided the elements detailed in this report are implemented, the development on the site is capable of compliance with AS-3959-2009 and the Tasmanian Fire Service Guidelines, any potential bushfire risk to the site is reduced.

**The new building works must comply with the requirements for BAL 29 of AS-3959-2009** as specified in Table 1 and part 5 of this report. The Council approval issued for the building works should contain conditions requiring that the protective elements defined in this report and AS-3959-2009 are implemented during the construction phase and maintained by the Lot owners for the life of the structure.

Although not mandatory, any increase in the construction standards above the assessed Bushfire Attack Level will afford improved protection from bushfire and this should be considered by the owner, designer and/or builder prior to construction commencing.

Hazard Management Areas must be established and maintained in a minimal fuel condition in accordance with this plan and the TFS guidelines. It is the owners responsibility to ensure the long term maintenance of the hazard management areas in accordance with the requirements of this report.

This report does not recommend or endorse the removal of any vegetation within, or adjoining the site for the purpose of bushfire protection without the explicit approval of the local authority.

A handwritten signature in black ink, appearing to read 'Michael Westcott', is positioned above the printed name.

Michael Westcott  
*Bushfire Hazard Practitioner BFP – 131*



## 8. References

- Australian Standards, AS 3959-2009, Construction of buildings in bushfire-prone areas. Standards Australia Sydney NSW.
- Building Act 2016 (Tas.)
- Building Regulations 2014 (Tas).
- Building Regulations 2016 (Tas).
- Directors Determination – Requirements for Building in Bushfire - Prone Areas Version 2.1 29 August 2017
- Resource Management & Conservation Division of the Department Primary Industry & Water September 2006, TASVEG, Tasmanian Vegetation Map. Tasmania.
- Tasmanian Fire Service 2013, Building for Bushfires.
- Tasmanian Government, Land Information System Tasmania, [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)

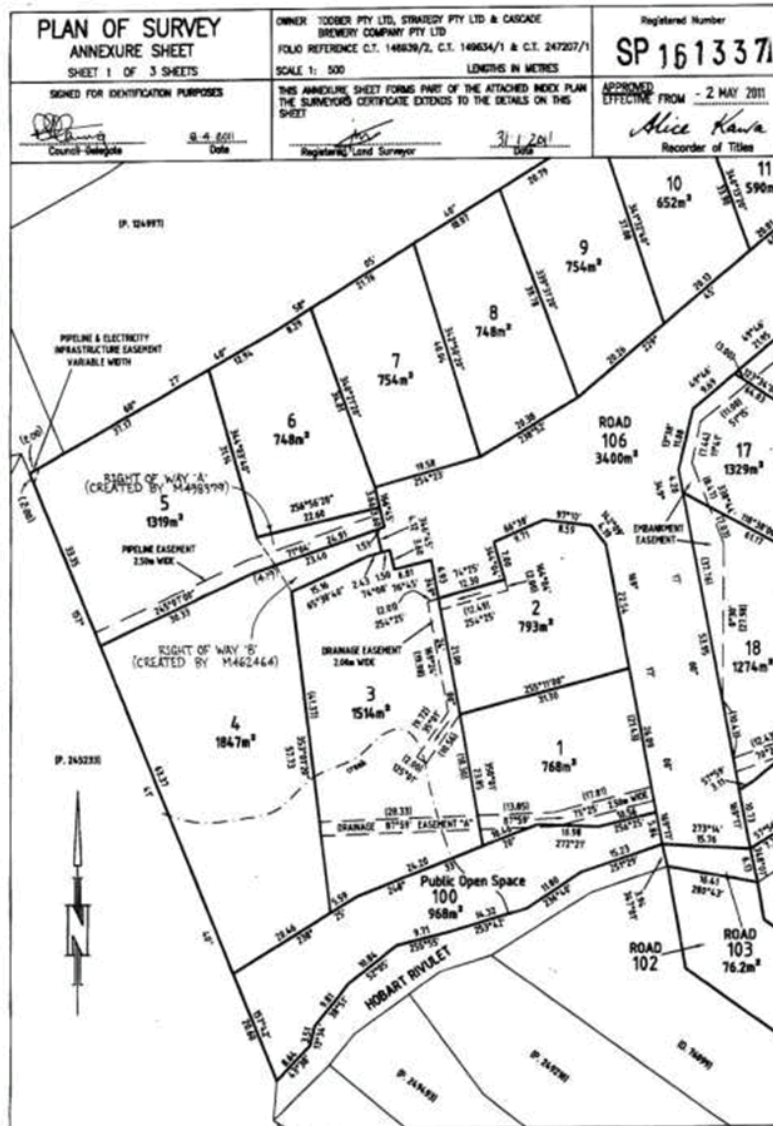


# Hobart Building Assessment Services

the **List**

## FOLIO PLAN RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

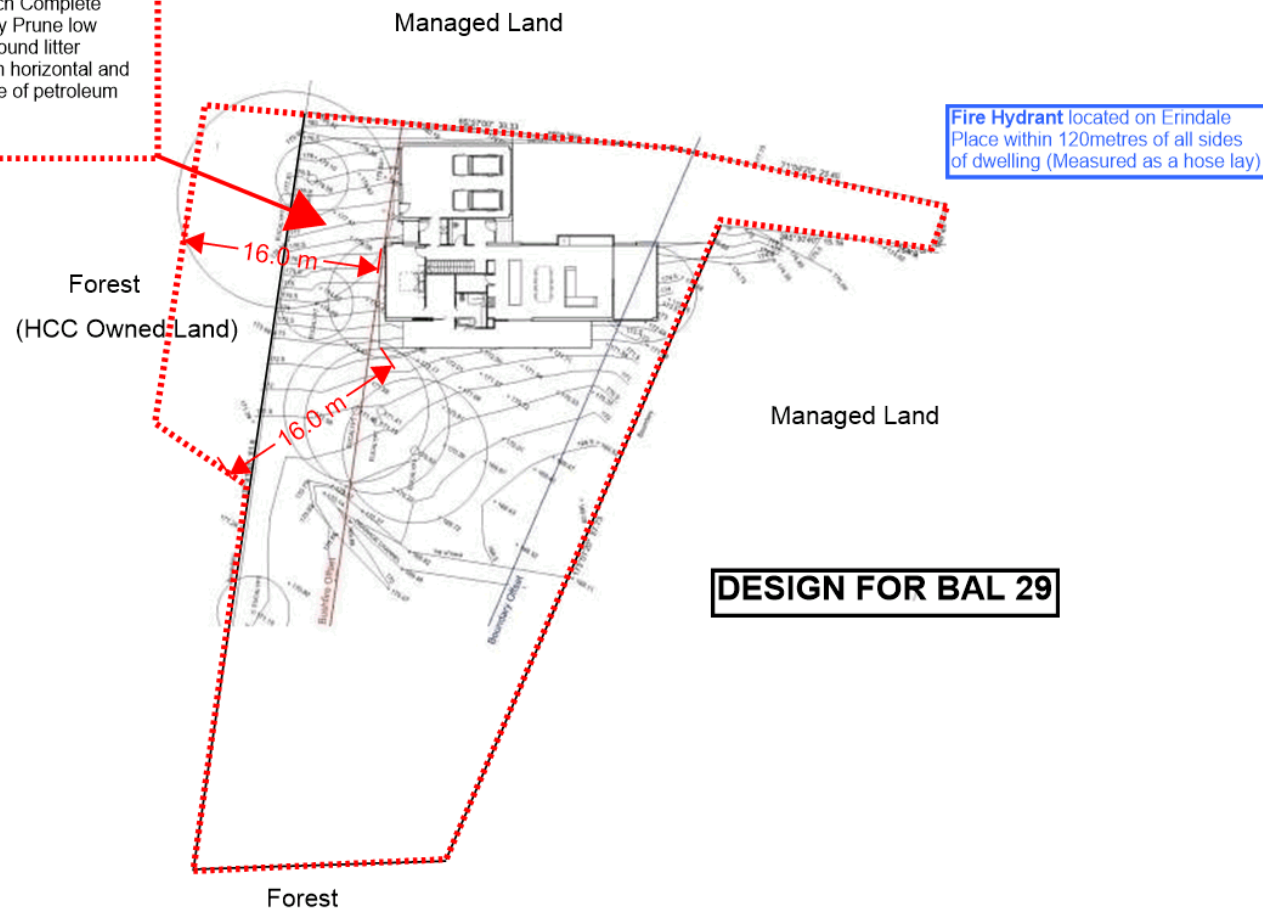


**HAZARD MANAGEMENT AREAS -**

Vegetation Management  
Vegetation in the Hazard Management Area (as dimensioned and shown) is to be managed and maintained in a **MINIMUM FUEL CONDITION**.

**Maintenance Schedule**

Removal of fallen limbs, leaf bark & litter  
Cut lawns short (less than 100mm) and maintain  
Remove pine bark and other flammable garden mulch  
Complete under-brushing and thin out the understorey  
Prune low hanging trees to ensure separation from ground litter  
Prune larger trees to establish and maintain horizontal and vertical canopy separation  
Minimise storage of petroleum fuels.



3 Erindale Place,  
South Hobart.  
CT 161337/4  
PID 3099843  
Michael Westcott BFP - 131  
Accredited scope of work:  
1, 2 & 3A

**Bush Fire Hazard Management Plan**



**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE  
ITEM****Section 321**

To:  Owner /Agent  
 Address  
  Suburb/postcode

Form **55****Qualified person details:**

Qualified person:   
 Address:     
 Phone No:   
 Fax No:   
 Licence No:  Email address:

Qualifications and  
Insurance details:

Accredited to report on bushfire  
hazards under Part IVA of the *Fire  
Services Act 1979*.  
PI Insurance LLOYDS Australia  
Limited.  
Policy # AD451001413PI

(description from Column 3 of the  
Director of Building Control's  
Determination)

Speciality area of  
expertise:

Analysis of hazards in bushfire-  
prone areas.

(description from Column 4 of the  
Director of Building Control's  
Determination)

**Details of work:**

Address:     
 Lot No:   
 Certificate of title No:   
 The assessable  
item related to  
this certificate:   
 (description of the assessable item being  
certified)  
 Assessable item includes –  
 - a material;  
 - a design  
 - a form of construction  
 - a document  
 - testing of a component, building  
system or plumbing system  
 - an inspection, or assessment,  
performed

**Certificate details:**

Certificate type:   
 (description from Column 1 of  
Schedule 1 of the Director of Building  
Control's Determination)

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)

building work, plumbing work or plumbing installation or demolition work: ☒  
 or

a building, temporary structure or plumbing installation: ☐

In issuing this certificate the following matters are relevant –

Documents:

BAL Report & Bushfire Hazard Management Plan – 3 Erindale Place,  
South Hobart TAS 7004

Relevant  
calculations:

References:

Determination, Director of Building Control Requirements for Building in  
Bushfire-Prone Areas, version 2.1 29 August 2017. Consumer, Building  
and Occupational Services, Department of Justice, Tasmania. Building  
Amendment (Bushfire-Prone Areas) Regulations 2014 Standards  
Australia 2009, Construction of buildings in bushfire prone areas, 3rd  
ed. incorporating amendments 1, 2 and 3, Standards Australia, Sydney.

*Substance of Certificate: (what it is that is being certified)*

BAL Report & Bushfire Hazard Management Plan – 3 Erindale Place, South Hobart TAS  
7004.

*Scope and/or Limitations*

**I certify the matters described in this certificate.**

Qualified person:

*Signed:*



*Certificate No:*

59/1718

*Date:*

18.3.2018

TASMANIAN LAND TITLES OFFICE  
Notification of Agreement  
under the  
Land Use Planning and  
Approvals Act 1993  
(Section 71)



C935042

| DESCRIPTION OF LAND   |       |        |       |
|-----------------------|-------|--------|-------|
| Folio of the Register |       |        |       |
| Volume                | Folio | Volume | Folio |
| 146939                | 2     |        |       |

REGISTERED PROPRIETOR: TODBER PTY LTD (A.C.N. 008 139 268) and STRATEGY PTY LTD (A.C.N. 007 943 839)

PLANNING AUTHORITY:  
HOBART CITY COUNCIL

Dated this 12th day of October 2009

I PAUL AUBREY JACKSON

of TOWN HALL, MACQUARIE STREET, HOBART IN TASMANIA, SOLICITOR ON  
BEHALF OF

the abovenamed Planning Authority, certify that the above particulars are correct and that attached is a certified executed copy of the agreement between the abovenamed parties, notice of which is to be registered against the abovementioned folio of the Register.

The abovenamed Planning Authority holds the original executed Agreement.

Signed

(on behalf of the Planning Authority)

Land Titles Office Use Only

**LUA**

Version 1

14 OCT 2009

RECORDED

THE BACK OF THIS FORM MUST NOT BE USED

Stamp Duty

**Deed - Part 5 Agreement**  
Land Use Planning and Approvals Act 1993

Date: 5th October 2009

**Parties:**

- 1 **Hobart City Council**  
a body corporate incorporated under the provisions of the *Local Government Act 1993*, of Town Hall, Macquarie Street Hobart in Tasmania (the **Planning Authority**).
- 2 **Todber Pty Ltd**, A.C.N. 008 139 268 whose registered office is situate at Tavern 540, 540 Port Road, Allenby Gardens in South Australia and **Strategy Pty Ltd**, A.C.N. 007 943 839 whose registered office is situate at 13 Everard Street, Glen Osmond in South Australia (the **Owner**).

**Recitals:**

- A** The Owner is the registered proprietor of an estate in fee simple of the Land.
- B** The Hobart City Council is the Planning Authority under the Act and for the purposes of the Planning Scheme.
- C** The Owner has submitted the Planning Application to the Planning Authority and the Planning Authority has issued the Planning Permit.
- D** Conditions 6, 10 and 15 of the Planning Permit require:
  - (a) the Owner to implement and maintain the Bushfire Management Plan in relation to the Land;
  - (b) the Owner to agree to building restrictions in relation to habitable dwellings constructed on the Land as further detailed in Clause 3 of this Deed;
  - (c) the Owner to agree to design and maintenance measures in relation to dwellings and fencing of the land to reduce the risk of bird collision; and
  - (d) this deed be entered into by the parties.
- E** Incidental to the Planning Permit, the Owner and the Planning Authority have reached an agreement that this deed should extend to provide that the Owner must not remove trees from the Land except in accordance with the conditions further detailed in Clause 3 of this Deed.
- F** The Owner acknowledges that:
  - (a) the Land is subject to the Planning Scheme;

I, Paul Aubrey Jackson, being and as the Solicitor for the Hobart City Council hereby certify that this is a true and correct copy of the agreement made between Hobart City Council & Todber Pty & Strategy Pty

Part 5 Agreement - 123A Strickland Avenue (CNW92705)

Paul Jackson



## Deed – Part 5 Agreement

- (b) this deed is being entered into pursuant to Part 5 of the Act and for the purpose of satisfying the matters stated in recitals D and E;
- (c) the Planning Authority will register this deed pursuant to the provisions of the *Land Titles Act 1980* and that the effect of registration will be that the burden and benefit of any covenant contained in this deed will run with the Land as if it were a covenant to which Section 102 (2) of the *Land Titles Act 1980* applies; and
- (d) this deed must be registered on the title to the Land prior to the Planning Authority issuing a building permit in relation to the Planning Application.

## Operative Provisions:

**1. Interpretation****1.2 Definitions**

In this deed, unless the contrary intention appears:

**Act** means *Land Use Planning and Approvals Act 1993*.

**Authorised Persons** means the operators, contractors, servants, employees, agents, workmen, consultants and other invitees of the Planning Authority;

**Bushfire Management Plan** means the Bushfire Hazard Management Plan drawn by Johnstone McGee and Gandy Pty Ltd in relation to the Land a copy of which is attached hereto and marked "B", but as amended and/or replaced from time to time as deemed necessary by Tasmania Fire Service and/or the Planning Authority.

**Development** means the use and development of the Land for the purpose of Subdivision (18 Residential Lots), public open space, road and bridges as more fully specified in the Planning Application and/or the Planning Permit.

**Guidelines** means the document entitled 'Minimising the Swift Parrot Collision Threat - Guidelines' and recommendations for parrot safe building and design (WWF, 2008)

**High Terrace Embankment area** means all that area of Land shown above (furthest away from Strickland Avenue) the line marked 'Top of Bank' and highlighted on the Proposed Subdivision Plan drawn by Brooks Lark and Carrick Land and Engineering Surveyors a copy of which is attached hereto and marked "C".

**Land** means that part of the land known as "123A Strickland Avenue, South Hobart in Tasmania" and being more particularly described in Certificates of Title Volume 146939 Folio 2.

**Owner** means the person or persons specified in this deed and includes the person or persons from time to time registered or entitled to be registered by the Recorder of Titles as proprietor or proprietors of an estate in fee simple in the Land or any part of the Land and includes a mortgagee in possession.

Deed – Part 5 Agreement

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**Planning Application** means application number PLN-08-01362-01 lodged with the Planning Authority.

**Planning Permit** means the permit dated 12 June 2009 approving the Planning Application subject to certain conditions and restrictions as contained in the permit a copy of which is attached hereto and marked "A".

**Planning Scheme** means the City of Hobart Planning Scheme 1982.

**1.3 Rules for interpreting this deed**

In this deed, unless the contrary intention appears:

- (a) one gender includes the other;
- (b) the singular number includes the plural and vice versa;
- (c) a reference to a person includes a corporation, unincorporated body or authority;
- (d) clause headings are inserted for convenience only and will be ignored in the interpretation of this deed;
- (e) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (f) the schedule and annexures to this deed form part of this deed; and
- (g) a party includes its successors, assigns, executors and administrators.

**2 Confirmation of recitals**

Each of the parties to this deed confirms the recitals that relate to that party.

**3 Covenants by Owner**

In consideration of the Planning Authority granting the Planning Permit, the Owner hereby covenants with the Planning Authority to:

- (a) implement and maintain the Bushfire Management Plan in relation to the Land;
- (b) refrain from removing any tree on the Land which has a circumference of more than 400mm measured one metre above adjacent ground levels unless that tree is within three metres of the outer wall of any building on the Land that is approved by the Planning Authority or removal of the tree is necessary for safety reasons as determined and approved in writing by the Planning Authority;
- (c) ensure no habitable building development occurs below the High Terrace Embankment Area on the Land; and

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Deed – Part 5 Agreement

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- (d) ensure any dwelling or fence on the Land is constructed in accordance with the Guidelines and to the satisfaction of the Planning Authority's Director Development and Environmental Services.

**4 Effect of the deed upon registration****4.1 Covenants to run with Land**

The parties agree and declare that the obligations imposed on the Owner under this deed are intended to take effect as covenants:

- (a) the burden of which will run with the Land as if they were covenants to which Section 102 (2) of the *Land Titles Act 1980* applies; and
- (b) which shall bind the Owner, its successors, transferees and permitted assigns, and the registered proprietor or proprietors for the time being of the Land.

**4.2 Agreement Under Section 71 of Part 5 of the Act**

The parties agree that without limiting or restricting the respective powers to enter into this deed and, in so far as it can be so treated, this deed is made pursuant to section 71 of the Act.

**4.3 Commencement of Agreement**

This deed shall commence on the day that the deed is signed by all parties.

**5 Registration & costs**

The Owner agrees that:

- (a) an application, pursuant to section 78 of the Act shall be made by the Planning Authority to the Recorder of Titles for the registration of this deed on the folio of the Register constituting the title to the Land (and any other land to which this deed relates); and
- (b) in pursuance of conditions 6 and 10 of the Planning Permit, the Owner must bear the costs and disbursements associated with the negotiation, preparation and registration of this deed including any legal costs and other costs or disbursements incurred or to be incurred by the Planning Authority.

**6 No fettering of the Planning Authority's powers**

The parties acknowledge and agree that this deed does not fetter or restrict the power or discretion of the Planning Authority in any way, including to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision relating to the Land or relating to any use or development of the Land.

Deed – Part 5 Agreement

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**7 Notices**


Any notice under this deed may be served by delivering, either personally or by registered mail, to the parties.

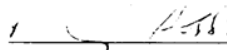


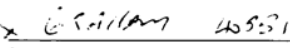
Deed – Part 5 Agreement

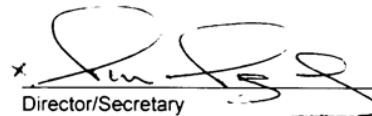
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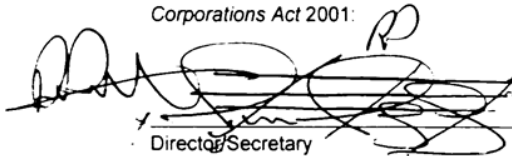
Executed as a deed.

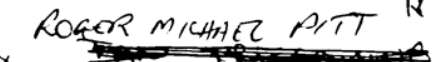
The Common Seal of the **Hobart City Council**  
was hereunto affixed in the presence of:
  
 Lord Mayor

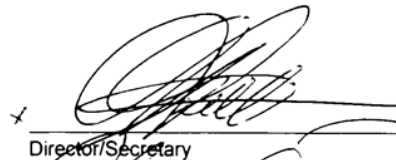
  
 Director of Strategy & Governance
Signed by **Todber Pty Ltd**, ACN 008 139 268  
in accordance with Section 127 of the  
Corporations Act 2001:
  
 Director/Secretary

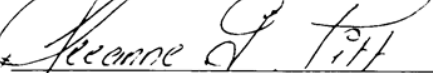
  
 Print Full Name

  
 Director/Secretary

  
 Print Full Name
Signed by **Strategy Pty Ltd**, ACN 007 943 839  
in accordance with Section 127 of the  
Corporations Act 2001:
  
 Director/Secretary

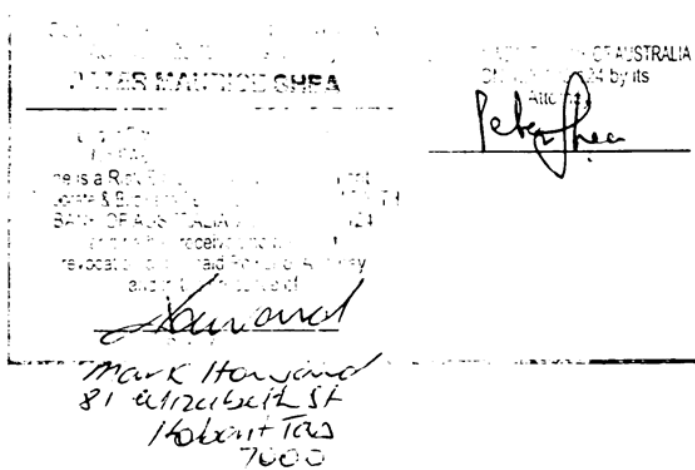
  
 Print Full Name

  
 Director/Secretary

  
 Print Full Name

## Deed – Part 5 Agreement

Commonwealth Bank of Australia as the registered proprietor of Mortgage C892599 consents to this deed as evidenced by its execution hereunder:





# PLANNING PERMIT

Land Use Planning and Approvals Act 1993  
City of Hobart Planning Scheme 1982

APPLICATION NO.: **PLN-08-01362-01**

ADDRESS OF THE LAND: Bold capitals - Street Number,  
Street, Suburb

**123A STRICKLAND AVENUE, CT247207/6 & HOBART RIVULET,  
SOUTH HOBART**

**THE PERMIT ALLOWS:**

The Use and Development of the land for the purpose of Subdivision (18 Residential Lots), Public Open Space, Road and Bridges subject to the following conditions and restrictions.

**THE FOLLOWING CONDITIONS AND RESTRICTIONS  
APPLY TO THIS PERMIT:**

1. The use and development shall be substantially in accordance with the documents and drawings that comprise the Planning Application No. PLN-08-01362-01 as outlined in attachment A to this permit except where modified below.

*Reason for condition*

*To clarify the scope of the permit.*

2. The proposed footbridge must be constructed in accordance with the Council's design specifications to the satisfaction of the Council's Director Parks and Customer Services within 2 years of the sealing of the final plan of survey.

*Reason for condition*

*To ensure that the footbridge is constructed in accordance with the Council's design specifications and to clarify the scope of the permit.*

3. The colours and finishes of the road bridge must complement the natural values of the Hobart Rivulet. Prior to the sealing of the Final Plan of Survey, samples of these colours and finishes to the satisfaction of the Council's Director Parks and Customer Services and Director City Services must be provided to the Council.

*Reason for condition**In the interests of the amenity of future users of the Hobart Rivulet Linear Park.*

4. The title boundary shared between the Council's neighbouring reserve and the applicant's property shall be clearly marked by the applicant on the ground before any works commence.

*Reason for condition**To protect the values of the neighbouring Council reserve and the new rivulet reserve.*

5. All development and/or disturbance shall be totally restricted to the property and not encroach beyond the shared boundary with the Council's land marked on the ground. This includes but is not restricted to: storage of building or other materials, dumping of fill, spoil, rubbish or vegetative waste, driving on or through the neighbouring Council land, and digging, removing or cutting up any soil, rock, timber, firewood, or native plant material.

*Reason for condition**To protect the values of the neighbouring Council reserve and the new rivulet reserve.*

6. The owner shall enter into a Part 5 Agreement pursuant to the Land Use Planning and Approvals Act 1993 with the Council, prior to the sealing of the final plan, such that future development of each new residential lot will be required to comply with the following:-
  - (i) Habitable building development is not permitted below the top of the high terrace embankment shown on Figure 8.1 of Cromer, W. C. (2008). Geotechnical Assessment, 123A Strickland Avenue, South Hobart: (Unpublished report for Cascade Joint Venture by William C. Cromer Pty Ltd., 4 December 2008; 71 pages).

For the purposes of the Part 5 Agreement, the developer must provide a plan of subdivision showing this line delineating the top of the high terrace embankment from the lower terrace. This plan and the criteria above must be included in a Part 5 Agreement to the satisfaction of the Council's Director Development and Environmental Services, pursuant to the provisions of Part 5 of the Lands Use Planning and Approvals Act 1993. This Part 5 Agreement must be included on the title s of the properties at 123A Strickland Avenue. The owners must comply with the Part 5 Agreement. Prior to sealing the final plan of subdivision, this agreement must be lodged with the Registrar of Titles.

The Council will have its solicitors prepare the Part 5 Agreement(s) for signing by property owners. The Council will then lodge the agreement with the Lands Titles Office to be placed on the title of the property. The cost of preparing the Part 5 and registration with the Recorder of Titles (currently \$85.50 for registration) is to be met by the applicant.

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An invoice for will be forwarded separately. Please contact the Council's Development Appraisal Planner on telephone 6238 2713 to initiate the process.

***Reason for condition***

***To ensure that all future owners are aware of the geotechnical risks associated with the site.***

7. The advice and recommendations on mitigating impacts identified in the report, Cromer, W. C. (2008). Geotechnical Assessment, 123A Strickland Ave, South Hobart (Unpublished report for Cascade Joint Venture by William C. Cromer Pty Ltd., 4 December 2008; 71 pages) dated 23 December 2008, must be strictly adhered to.

***Reason for condition***

***To ensure the subject land is capable of supporting the proposed development.***

8. The advice and recommendations made in the Flora and Fauna Survey prepared by North Barker Ecosystem Services, titled "123A Strickland Avenue, South Hobart Proposed Subdivision: Vegetation Survey and Fauna Habitat Assessment" dated 18 December 2008, must be implemented.

***Reason for condition***

***To ensure the subject land is capable of supporting the proposed development.***

9. The owner(s) of lots 1, 3, 4, 14, 15, 16, 17, and 18 on the plan, covenant with the Hobart City Council to the intent that the burden of this covenant may run with and bind the covenantor's lots and any part thereof and the benefit shall be in favour of the Hobart City Council, to observe the following stipulation:-
  - (i) Not without the written consent of the Hobart City Council to erect or permit to be erected any building or structure or carry out any works that may change the contours of the land or restrict the free flow of water over the land or cause erosion within 10 metres of the top of the bank of Hobart Rivulet.

***Reason for condition***

***To ensure the development protects watercourse and riverbank stability and has minimal impact on current watercourse environmental values of Hobart Rivulet.***

10. The Bushfire Hazard Management Plan titled "Fire Management Plan (Drawing J081035CH-C01)" dated 3 December 2008 (or as modified with the agreement of the Tasmanian Fire Service), must be modified to show the following endorsement:-
  - (i) Future dwellings on all lots must comply with the construction requirements for Level 1 Construction Standard as described in Section 3, AS3959. Plans submitted for building approval must incorporate all modifications specified within this certification as being required to ensure such compliance.



- (ii) The Bushfire Hazard Management Plan once accepted by the Council's Director Development and Environmental Services must be implemented by the property owner(s).
- (iii) The Bushfire Hazard Management Plan must be included in a Part 5 Agreement, pursuant to the provisions of Part 5 of the Lands Use Planning and Approvals Act 1993. This Part 5 Agreement must be included on the title's of the properties at 123A Strickland Avenue, South Hobart. Prior to sealing the final plan of subdivision, this agreement must be lodged with the Registrar of Titles. The owners must comply with the Part 5 Agreement.

The Council will have its solicitors prepare the Part 5 Agreement(s) for signing by property owners. The Council will then lodge the agreement with the Lands Titles Office to be placed on the title of the property. The cost of preparing the Part 5 and registration with the Recorder of Titles (currently \$85.50 for registration) is to be met by the applicant. An invoice for will be forwarded separately. Please contact the Council's Development Appraisal Planner on telephone 6238 2713 to initiate the process.

***Reason for condition***

***To ensure the bushfire hazard is minimised and managed to acceptable levels, and so that the Bushfire Hazard Management Plan is available to be implemented by present and future owners of the property.***

11. A landscaping plan detailing proposed street tree plantings, landscaping of batters/embankments, and weed control measures shall be prepared by a qualified landscape architect to the satisfaction of the Council's Director Parks and Customer Services and Director Development and Environmental Services prior to the final sealing of the plan. The plan must include the following details:-
  - (i) Description of proposed plantings;
  - (ii) Description of any vegetation to be retained or removed within proposed nature strips;
  - (iii) Width of nature strip must be a minimum width of 5 metres to accommodate street tree plantings;
  - (iv) Details of plant spacings, setback distances to proposed building envelopes, and when it is intended to establish the planting;
  - (v) Ensure services are being avoided with plantings;
  - (vi) The treatment of nature strips/batters such as use of grass cover and trees, shrubs, or use of native grasses;
  - (vii) The plan should address lot accesses and locate trees in locations that will not conflict with driveway accesses;

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(viii) Any steep banked nature strips should be dealt with differently with the use of mulches rather than grass that will be difficult to maintain. Need to consider appropriate gradients for use of mulches as opposed to grass cover, which requires mowing; and

(ix) Weed management prescriptions to control and prevent the spread of declared weeds must also be included in the landscaping management plan (see advice regarding preparation of weed management prescriptions).

The plan must be implemented 3 months after the civil works have been completed or if the subdivision is staged, 3 months after each stage of the subdivision.

***Reason for the condition***

***In the interest of establishing trees to provide a visual screen to the proposed infrastructure works, eradicate declared weeds and increased public amenity.***

12. Provide underground electrical reticulation for power and street lighting in accordance with the requirements of the appropriate electricity authority.

***Reason for condition***

***In the interest of the amenity of the development and the locality.***

13. Appropriate soil management and water runoff, erosion and sediment controls must be installed to the satisfaction of the Council's Development Engineer, prior to removal and/or disturbance of any soil or vegetation. Details of such management, controls and a soil and water management plan are to be submitted prior to issue of any building permit (including demolition). (Refer to the advice clause).

The Soil and Water Management Plan must include provisions to prevent cobbles/boulders rolling downhill during site works.

***Reason for condition***

***To avoid erosion and pollution of public and private infrastructure from sedimentation of natural and physical resources from the development and to comply with relevant State Legislation.***

14. The subdivider is responsible to engage an independent environmental contractor acceptable to the Council's Director Development and Environmental Services to audit environmental compliance with the conditions of this permit throughout the civil works stage of implementing the subdivision.

This will involve auditing of civil works and establishment and maintenance of vegetation management areas to be undertaken by private contractors to ensure compliance with the conditions of the permit.

These audit/surveys and results are to be forwarded to the Hobart City Council for comment upon completion of the civil works.

Any advice and recommendations made in these audits/surveys must be implemented.

***Reason for condition***

***To protect existing biodiversity values in the vicinity, to mitigate potential environmental impacts from soil and water runoff, spread of weeds and to assist in minimising visual impact.***

15. Prior to the sealing of the final plan, the developer shall enter into a Part 5 Agreement with the Council pursuant to the provisions of Part 5 of the Land Use Planning and Approvals Act 1993, to the satisfaction of the Director Development and Environmental Services, such that the future development of each new residential lot will be required to comply with the following:-
  - (i) All dwellings and fencing must be designed and maintained to minimise the risk of bird collision in accordance with best-practice to the satisfaction of the Council's Director Development and Environmental Services. The document "Minimising the Swift Parrot Collision Threat – Guidelines" and recommendations for parrot-safe building design (WWF, 2008) should be used as a guide for the design of any proposed dwelling or fencing.
  - (ii) The Part 5 Agreement must be included on the title/s of the properties at 123A Strickland Avenue, South Hobart. Prior to sealing the final plan of subdivision, this agreement must be lodged with the Registrar of Titles. The owners must comply with the Part 5 Agreement.
  - (iii) The Council will have its solicitors prepare the Part 5 Agreement(s) for signing by property owners. The Council will then lodge the agreement with the Lands Titles Office to be placed on the title of the property. The cost of preparing the Part 5 and registration with the Recorder of Titles (currently \$85.50 for registration) is to be met by the applicant. An invoice for will be forwarded separately. Please contact the Council's Development Appraisal Planner on telephone 6238 2713 to initiate the process.

***Reason for condition***

***To minimise the opportunity for bird strike.***

16. Submit drawings and specifications of all the work required by this permit and obtain Council approval before the commencement of any works on site. Documents shall be prepared by a qualified and experienced civil engineer or designer familiar with Council's requirements and standards.

***Reason for condition***

***To ensure that all works are carried out to the Council's standards.***

17. Construct all driveways, drainage, services, roads and accesses to each lot in accordance with the Municipal Standard Drawings and Specifications, and the approved drawings and specifications.

*Reason for condition*

*To ensure that all works are carried out to the Council's standards.*

18. Runoff, erosion and sediment controls shall be installed to the satisfaction of the Council's Development Engineer, prior to removal and/or disturbance of any soil or vegetation. Details of these controls are to be submitted prior to issue of any building permit. Please refer to advice below for what may be required to be submitted.

*Reason for condition*

*To avoid the pollution and sedimentation of roads, drains, natural watercourses and neighbouring properties that could be caused by erosion and runoff from the development, and to comply with relevant State Legislation.*

19. Prior to the issuing of any building permit (including demolition) or the commencement of work on site, the developer shall lodge with the Council an Infrastructure protection bond in the form of a cash/cheque deposit or a bank guarantee from an approved financial institution, for an amount of \$5,000, as security for the protection from damage of the Council's infrastructure during the construction of the development. The bond will be released once the works are completed should no damage have occurred. (Refer to advice clause).

*Reason for condition*

*To ensure the protection of the Council's infrastructure.*

20. Prior to the issuing of a certificate of completion for the subdivision works, comply with the Council's Guidelines for the commissioning of new water supply infrastructure. This will require the inspection and testing of new fire hydrants to the requirements of AS 2419, the flushing and disinfection of new watermains, and the sampling and testing of water from the new mains to ensure compliance with Australian health regulations.

The Council will issue the applicant with a new Water Supply Infrastructure Testing Certificate once these requirements have been satisfied. Please contact the Council's Hydraulic Systems Engineer on telephone 6238 2980 to obtain further information or to arrange for any necessary testing.

*Reason for condition*

*In the interest of public safety and health.*

21. Prior to the sealing of the final plan, the proposed lots must be provided with adequate water, sewer and stormwater service connections to the Council mains/systems, at the developer's cost and in accordance with the Municipal Standard Drawings and the relevant standards and regulations, to the satisfaction of the Council's Director City Services and Director Development and Environmental Services. Extension of Council mains may be required. The developer is responsible for the design of these hydraulic service connections including the location and details of the branch connections to the Council's mains, and for the design of any mains extensions

Note that the size of the proposed connections will depend on the number of dwellings that they are likely to serve. Any proposed building envelopes must be shown clear of all easements.

Advice: A detailed services plan showing both existing and proposed services and access to all lots on the site must be prepared by a qualified and experienced designer and submitted to and approved by the Council prior to the commencement of work on site. Note that engineering drawings for any proposed public infrastructure will need to be checked and certified by a qualified and experienced civil engineer. (Refer to advice clause).

***Reason for condition***

***To ensure that all works are carried out to the Council's standards.***

22. The proposed lots must be provided with adequate fire protection, at the developer's cost, in accordance with Tasmania Fire Service guidelines, the Municipal Standard Drawings and the Australian Standards, to the satisfaction of the Council's Director City Services and Director Development and Environmental Services. (Refer to advice clause).

***Reason for condition***

***To ensure that all works are carried out to the Council's standards and that the site will have adequate fire protection.***

23. Private sewer, stormwater and water services/connections are to be entirely separate to each lot in order to ensure that they are contained entirely within the lots served. Power and telephone connections must also be contained within their respective lots. A detailed services plan showing both the existing and the proposed (or as-built) private services, Council mains and access to all lots on the site must be prepared by a civil engineer or a qualified designer and submitted to the Council for approval prior to the sealing of the final plans. (Refer to advice clause).

***Reason for condition***

***To ensure that each lot is serviced separately.***

24. In order to satisfy the above condition on the separation of services, the developer must verify compliance by supplying the Council with a services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots) and also a covering letter, where the Council is advised in writing that all the relevant engineering work required in these planning permit conditions has been satisfactorily completed, prior to the sealing of the final plan.

Any final plan submitted for sealing cannot be fully processed unless it is accompanied by documentation by a qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A "qualified person" shall be a professional engineer or professional surveyor or other persons acceptable to Council. Applicants or their agents should take notice that unless this condition is satisfactorily complied with, then documents submitted for sealing of the final plans will not be processed.

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*Reason for condition*

*To ensure that the developer provides the Council with clear written confirmation that the separation of services is complete.*

25. The developer shall pay the cost of any alterations and/or reinstatement to the Council's infrastructure incurred as a result of the proposed development works.

*Reason for condition*

*To ensure that any Council infrastructure affected by the proposal will be reinstated at the developer's full cost.*

26. The final plan and schedule of easements is to include, to the satisfaction of the Council's Manager Surveying Services, drainage easements in favour of the Hobart City Council over the proposed and existing sewer and stormwater mains passing through the site.

*Reason for condition*

*To enable maintenance of the Council's infrastructure and to alert potential purchasers to the existence of the Council's mains.*

27. The final plan and schedule of easements is to include, to the satisfaction of the Council's Manager Surveying Services, a pipeline easement in favour of the Hobart City Council over the proposed and existing water mains passing through the site.

*Reason for condition*

*To enable maintenance of the Council's infrastructure and to alert potential purchasers to the existence of the Council's mains.*

28. The final plan and schedule of easements is to include, to the satisfaction of the Council's Manager Surveying Services, any existing or proposed right of ways, embankment, drainage and/or service easements that are or may be required to adequately provide access and services to, from or through the lots shown on the plan.

*Reason for condition*

*To ensure that there are no impediments to the provision of access and available services to the lots.*

29. The final plan of survey is to be endorsed in accordance with Section 111 of the Local Government (Building and Miscellaneous Provisions) Act 1993, to the satisfaction of the Council's Surveying Services Manager.

*Reason for condition*

*To ensure compliance with statutory provisions.*



30. The applicant is to submit to the Council a copy of the surveyor's field notes prepared to accompany the final plan.

***Reason for condition***

***To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.***

31. The proposed road lots (lots 102, 103 and 106) and footway are to be transferred in fee simple to the Council at nominal consideration.

Advice: The applicant will need to prepare and execute a Land Titles Office transfer and partial discharge of mortgage for lots 103 and 106, attend to the assessment and payment of stamp duty with the Commissioner of Taxes and forward the stamped instruments together with the associated Land Titles Office registration fees (Cheque made payable to the Recorder of Titles for \$131 (Transfer) and \$106 (Partial Discharge of Mortgage) and a completed notice of sale, to the Council's Manager Surveying Services prior to the sealing of the final plan of survey.

***Reason for condition***

***To ensure that titles to the proposed road lots issue in the Hobart City Council.***

32. The proposed public open space (lot 101) is to be transferred in fee simple to the Council for nominal consideration in accordance with the provisions of the Local Government (Building & Miscellaneous Provisions) Act 1993.

Advice: The applicant will need to prepare and execute a Land Titles Office transfer and partial discharge of mortgage for lot 101, attend to the assessment and payment of stamp duty with the Commissioner of Taxes and forward the stamped instruments together with the associated Land Titles Office registration fees (Cheque made payable to the Recorder of Titles for \$131 (Transfer) and \$106 (Partial Discharge of Mortgage) and a completed notice of sale, to the Council's Manager Surveying Services prior to the sealing of the final plan of survey.

***Reason for condition***

***To ensure that titles to the proposed public open space issue in the Hobart City Council.***

33. Prior to the sealing of the Final Plan, the schedule of easements and final plan of survey is to contain a restrictive covenant over riparian zones in favour of the Hobart City Council and to the satisfaction of the Council's Director Development and Environmental Services.

The covenant is to provide that the owner or owners of lots 14,15,16,17 and 18 on the plan covenant with the Hobart City Council to the intent that the burden of the covenant may run with and bind the covenantor's lots and any part thereof and the benefit shall be in favour of the Hobart City Council, to observe the following stipulation; not without the written consent of the Hobart City Council to erect or permit to be erected any building or structure or carry out any landscaping that may

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change the contours of the land or restrict the free flow of water over the land or cause erosion within 10 metres of the existing bank of the Hobart Rivulet.

***Reason for condition***

***To facilitate the future management of the riparian zone.***

34. Prior to the commencement of any work within the road reservation by a private contractor, the contractor shall obtain a road opening permit (pursuant to Section 46 of the Local Government (Highways) Act 1993, from the Council's Services and Development Inspector. This permit shall include items such as hours of work, road safety, reinstatement, soil and water management, etc. (Refer to advice clause).

***Reason for condition***

***To ensure that the works in the highway reservation are legally carried out.***

35. The developer shall construct and pay the full cost of a vehicle crossover and a minimum 3.0 metre wide sealed driveway from the roadway to the boundary of any new lots, to the satisfaction of the Council's Development Engineer and the Services and Development Inspector, prior to the sealing of the final plan. (Refer to advice clause).

***Reason for condition***

***To ensure adequate and satisfactory access to the subject lot.***

36. Vehicle access is to be provided to 123 and 125 Strickland Avenue, South Hobart to the satisfaction of the Council's Director City Services.

***Reason for condition***

***To ensure adequate vehicle access is maintained to the existing properties.***

37. Prior to the start of works submit detailed engineering plans to the satisfaction of the Council's Director City Services clearly showing the following:-
- (i) All stormwater assets to be taken over by the Council. This will include road drainage and lot connections to the Council standards; and
  - (ii) Engineering design drawings for the proposed bridge(s) clearly showing at least 600mm freeboard between the 100 year flood level and the underside of the bridge. Consideration should be given to overland flow paths should the bridge be overtopped.

***Reason for condition***

***To ensure that the lots are serviced with stormwater connections and the proposed bridge has sufficient hydraulic capacity.***

38. All work undertaken as part of this development should conform to the recommendations outlined in the report "Cascade Joint Venture – 123a Strickland Avenue, South Hobart Geotechnical Assessment, Cromer, W.C., December 2008".

***Reason for condition***

***To minimise the geotechnical risks associated with developing the land.***

39. The title for proposed lot 1 is to be endorsed to show the potential existence of the old tributary course, stating that this issue should be addressed in subsequent geotechnical assessments for building construction.

***Reason for condition***

***To ensure that subsequent property owners are aware of potential geotechnical design requirements for proposed lot 1.***

40. Prior to the issuing of titles undertake works as detailed in the Johnstone McGee & Gandy Pty. Ltd., report titled "Assessment of Tributary Rivulet, April 2009" to mitigate the risk of overland flow from lot 3 through lot 1. These works will be the construction of a bund down the eastern side of proposed lot 3 and the widening of the existing outfall channel from the pond on Lot 3. The design of this work shall be to the satisfaction of the Council's Director City Services and the construction carried out to the satisfaction of the Council's Services and Development Inspector.

***Reason for condition***

***To avoid uncontrolled overland flow from proposed lot 3 to proposed lot 1.***

41. Stormwater pre- treatment for stormwater discharges from the new road areas is to be installed to the satisfaction of the Council's Director City Services. Details of the proposed treatment shall be included with the design drawings for the development.

Advice: Details of the stormwater treatment as required by the above condition shall be included with the design drawings for the development. Refer to the Hobart City Council's "Water Sensitive Urban Design Site Development Guidelines and Practice Notes". This resource kit can be purchased from the Council or is available as a download on Council's website.

***Reason for condition***

***To avoid the possible pollution of drainage systems and natural watercourses, and to comply with relevant State Legislation.***

42. Provide for the following requirements on the hydraulic design plans:-
- (i) Extend the water main within the pipeline easement of proposed Lot 5 to the western property boundary with Council land; and
  - (ii) Upsize the watermain between Strickland Avenue, South Hobart and the western boundary of proposed lot 5 to a diameter to be determined by Council. Note that costs are addressed in the condition below.

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*Reason for condition*

*To provide for the future water service requirements in the South Hobart/Marlyn Road area, in particular fire*

43. The developer shall be responsible for the estimated cost of a 100mm water main between Strickland Avenue and the front boundary of proposed lot 5. Reasonable costs as agreed with the Council in excess of the estimated cost of a 100mm water main to the boundary of proposed lot 5 shall be paid to the developer by the Council for upsizing and extending the water mains as required by this permit. The mains may be commissioned prior to sealing the plan of subdivision but remain subject to the same defects liability and handover arrangements as the subdivision watermain. For advice on these pipeline conditions, please contact the Council's Hydraulic Systems Engineer on telephone 6238 2980.

*Reason for condition*

*To ensure that the Council shall be responsible for the cost of the mains upgrade and extension required by the Council.*

44. Any construction of public infrastructure (which will be taken over by the Council), must be carried out either by the Council or by a Council approved private contractor in strict accordance with the conditions set out in the document "Guidelines for Public Infrastructure Construction by the Private Sector". A copy of this document is appended to the planning approval. Note that live works such as connections to existing mains must be carried out by the Council (Civic Solutions).

*Reason for condition*

*To ensure that public works are carried out to the required standards.*

45. Prior to the issuing of Council approved engineering drawings, any private contractors who wish to build public infrastructure that is part of this development must first obtain a Permit to Construct Public Infrastructure from the Council's Services and Development Inspector on telephone 6238 2753 or on mobile 0408 482 968. Interested contractors are required to read the document "Guidelines for Public Infrastructure Construction by the Private Sector" and fill in an application form. Contact the Services and Development Inspector for more information.

*Reason for condition*

*To ensure that public works are carried out to the required standards.*

46. In accordance with the "Guidelines for Public Infrastructure Construction by the Private Sector" document, after a completion of works certificate is issued by the Council, the work will then be placed on a 52 week defects liability period. The contractor will undertake any remedial action that is deemed necessary to ensure compliance with the specification during the defects liability period and before the final certificate is issued.

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*Reason for condition**To ensure that public works are carried out to the required standards.*

47. The owner is advised that prior to the issuing of the approved engineering drawings for the development, a development engineering fee of 1% of the value of the approved engineering works, or a minimum of \$200, plus \$55 per amendment, must be paid to the Council. The developer's engineer is to submit an estimate of the value of the engineering works with the draft engineering drawings.

*Reason for condition**To help meet the cost of approving engineering drawings and carrying out site inspections.*

48. Prior to the sealing of the final plan, the schedule of easements and final plan of survey is to contain a restrictive covenant in favour of the Hobart City Council to the satisfaction of the Director Development and Environmental Services. The covenant is to preclude the construction of a habitable dwelling on lots 100 and 105 on the plan. The covenant must state that the owners of lots 100 and 105 on the plan covenant with the Hobart City Council to the intent that the burden of the covenant runs with and binds the covenantors' lots and any part thereof and the benefit shall be in favour of the Hobart City Council, to observe the stipulation; not to erect or permit to be erected any building or buildings on the lots.

*Reason for condition**To ensure that no buildings are constructed on the lots 100 and 105.*

49. Condition lots 100 and 105 on the final plan are to be endorsed in accordance with Section 115 of the Local Government (Building & Miscellaneous Provisions) Act 1993, to the effect that it is unlikely the lot would be purchased as the site for a dwelling.

*Reason for condition**To ensure compliance with statutory provisions.***Advice**

1. Geotechnical Assessment

Very High Risk Areas

- (i) Habitable building development is not permitted below the top of the high terrace embankment.
- (ii) Road and other infrastructure development may be permitted provided adequate engineered and drained retaining structures are installed, and remedial drainage works are installed in and above the landslip; and

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- (iii) The access road and bridge over the watercourse must span the rivulet and not require footings within it.

2. Soil and Water Management

The Soil and Water Management Plan (SWMP) will be expected to be carried out in accordance with the document "Guidelines for Soil and Water Management - June 1999". The Plan will need to include the information on the proforma attached as Appendix C to the permit, which is provided to assist in preparing an acceptable soil and water management plan.

Please Note: copies of the abovementioned soil and water management guidelines document are available from the Council.

3. Street Trees

The Council can provide further assistance on preparing a street tree plan. Please contact Councils Arboricultural Officer on telephone 6238 2889 and the Senior Cultural Heritage Officer on telephone 6238 2883 for more details.

4. Weed Management

Weed management prescriptions to control and prevent the spread of declared weeds must also be included in the landscaping management plan.

The Weed Management Plan should:-

- (i) Be brief and succinct and target the eradication of all environmental weeds;
- (ii) Set out a method and program for eradicating these weeds firstly dealing with the edges of the property that border the Council's Skyline Reserve and secondly the internal management areas should be identified as management zones;
- (iii) Be set out in a matrix format that provides details on the action, the area to be targeted and the timing defining primary secondary and tertiary treatment of weeds;
- (iv) Define an ongoing program to control future infestations through a program of primary, secondary and tertiary treatment; and
- (v) Include a simple map of the property that defines management zones for action.

A sample weed management plan template is attached to the permit. The plan should be structured to be consistent with this layout.

5. The Council's Services and Development Inspector must be contacted on telephone 6238 2753, or on mobile 0408 482 968 at least 24 hours prior to the commencement of any work that requires inspection - in particular any public infrastructure that is built by a private contractor. The inspector must be contacted to discuss the requirements for any new vehicle crossovers, driveway works or parking areas.

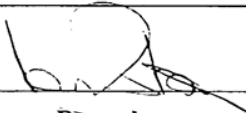


6. To make the necessary arrangements for new hydraulic service connections please contact the Council's Services and Development Inspector. Note that the Council will not arrange for the construction of any service connections until it has approved the services plan for the site. This plan must accurately locate the desired position of any new connections, with clearly shown offsets or distances to the nearest property boundaries or well defined landmarks. This will ensure that the connections are built in the right place.
7. With regard to the provision and payment for service connections the applicant is advised that these connections are to be paid for (or built) prior to the sealing of the final plan and the works completed within 6 months of the sealing of the final plan.
8. The document "Guidelines for Public Infrastructure Construction by the Private Sector", are available from the Council.
9. All work on live mains, including making new connections, must be carried out by the Council at the developer's cost. Please contact the Council's Business Manager Hydraulic Operations and Maintenance on telephone 6238 2205 or on mobile 0419 518 431 for a quotation.
10. The Soil and Water Management Plan is to include all the necessary information relevant to the site required by the document "Guidelines for Soil and Water Management" issued on June 1999. A copy of this document is available from the Council.
11. Once the certificate of occupancy/completion for the development has been issued and/or the works are completed, please contact the Council's Services and Development Inspector on telephone 6238 2753 or on mobile 0408 482968 to arrange an inspection prior to the release of the Council's infrastructure protection bond.

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12/6/09  
Date

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Manager Development Appraisal

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**IMPORTANT INFORMATION ABOUT THIS NOTICE****WHAT HAS BEEN DECIDED?**

The Council has granted a permit.

**WHEN DOES A PERMIT TAKE EFFECT?**

- If there is a right of appeal against the granting of a permit, the permit takes effect at the end of 14 days from the day on which notice of the granting of the permit was served on the person who has a right of appeal.
- Where an appeal is instituted against the Council's decision to grant a permit, the permit does not take effect until the determination or abandonment of the appeal.
- Where any other approvals are required under the Land Use Planning and Approvals Act 1993 or any other Act, the permit cannot be enacted until all of those approvals have been granted.

**WHEN DOES A PERMIT LAPSE?**

A permit lapses after a period of 2 years from the date on which it was granted if the use or development for which it was granted is not substantially commenced within that period.

**WHAT ABOUT APPEALS?**

- An applicant for a permit may appeal against Council's decision to grant a permit subject to conditions or restrictions, within 14 days after the day on which notice of Council's decision was served on them.
- Any person who has made a representation during the period of 14 days commencing on the date on which notice of the application was given (or such further notice period as Council may have allowed) may appeal against the grant of a permit within 14 days after the day on which notice of the granting of the permit was served on them.
- An appeal may only be lodged with the Resource Management and Planning Appeal Tribunal. Please note that the Tribunal will not directly notify representors if an appeal is lodged. You may either look for the notice of appeal, which will be published in The Mercury; or contact the Tribunal directly.
- Details about appeals and the fees payable can be obtained from the Tribunal.
- The Tribunal's contact details are as follows:

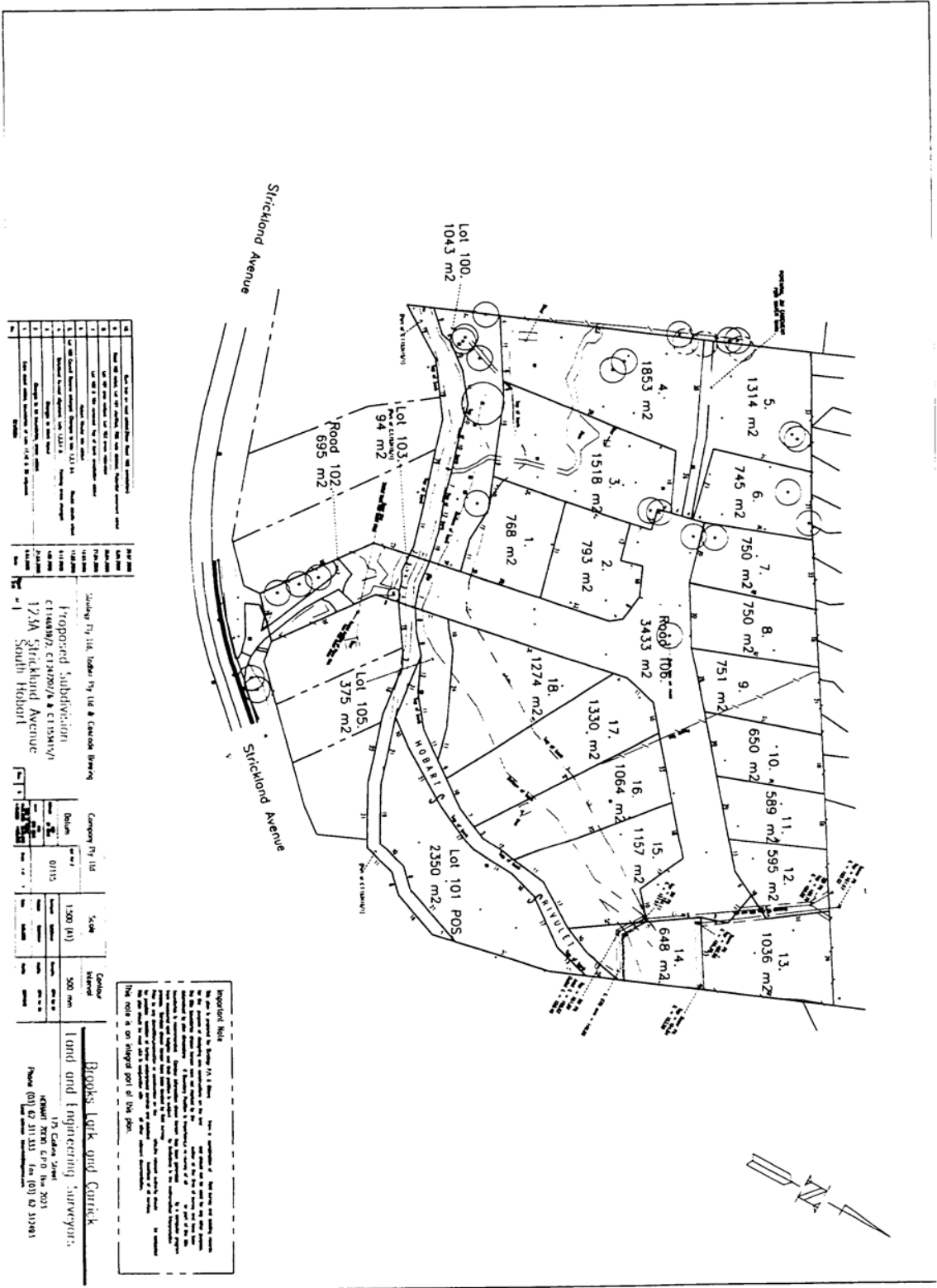
**Telephone No.:** (03) 6233 6464  
**Facsimile No.:** (03) 6224 0825  
**Postal Address:** GPO Box 2036  
HOBART 7001  
**Street Address:** Floor 4  
144 - 148 Macquarie Street  
HOBART

**ATTACHMENT A**  
**Documents and Drawings that comprise Planning Application Number**  
**PLN - PLN-08-01362-01**

**DEVELOPMENT ADDRESS:** 123A STRICKLAND AVENUE,  
CT247207/6 & HOBART RIVULET

**LIST OF DOCUMENTATION:**

| Description                                   | Plan No.<br>(Where Relevant)     | Date of Lodgement  |
|---|----------------------------------|--------------------|
| Application Form                              |                                  | 24/3/09            |
| Title Documents                               | 247207/6, 146939/2<br>& 153415/1 | 23/12/09 & 24/3/09 |
| Cover Letter                                  |                                  | 23/12/08           |
| Additional Information Cover Letter           |                                  | 4/3/09             |
| Public Walkway Letter and Profiles            |                                  | 4/3/09             |
| Proposed Part 5 Agreement                     |                                  | 16/3/09            |
| Additional Information Cover Letter           |                                  | 24/3/09            |
| Additional Information Cover Letter           |                                  | 28/4/09            |
| Additional Information Cover Letter           |                                  | 1/5/09             |
| Additional Information Cover Letter           |                                  | 8/5/09             |
| Proposed Lot Schedule                         |                                  | 8/5/09             |
| Subdivision Plan                              | 07115                            | 8/5/09             |
| Site Plan                                     | J081035CH-C01                    | 28/4/09            |
| General Arrangement Plan 1                    | J081035CH-C02                    | 24/3/09            |
| General Arrangement Plan 2                    | J081035CH-C03                    | 24/3/09            |
| Indicative Bridge Designs and Road Profiles   | J081035CH-C04                    | 24/3/09            |
| Artist Interpretation of Proposed Road Bridge |                                  | 5/1/09             |
| Bushfire Hazard Management Plan               |                                  | 24/3/09            |
| Road Cross Sections (6 Sheets)                | J081035CH-C05 to<br>-C10         | 23/12/08           |
| Traffic Impact Assessment                     |                                  | 23/12/08           |
| Geotechnical Assessment                       |                                  | 23/12/08           |
| Flora and Fauna Assessment                    |                                  | 23/12/08           |



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